THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

DATE: 24.8.2005

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WRIT PETITION NO : 18749 of 2005

Between:

1 G. Vidya Sagar, S/o. Late G. Hanumantha Rao,
R/o. 1-8-473, Chikkadapalli, Hyderabad & others.

..... PETITIONER(S)

AND

1 Hyderabad Municipal Corporation, Hyderabd, rep. by its Commissioner. & others.

.....RESPONDENT(S)

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THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 18749 of 2005

Oral Order:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in not considering the application of the petitioners for grant of building permission in respect of the H. No. 1-8-475, situated at Venkateswara Temple Lane, Chikkadapally, Hyderabad as illegal and arbitrary. Petitioners also seek for a consequential direction to direct the respondents to consider the application said to have been made by them for building permission without insisting on production of "No Objection Certificate" from the revenue authorities.

Petitioners claim to be the owners of H. No. 1-8-475, situated at Venkateswara Temple Lane, Chikkadapally, Hyderabad. The grievance of the petitioners is that when they approached the 1st respondent seeking permission for construction of a building, the 1st respondent refused to accord such permission and has been insisting on production of "No Objection Certificate" from the authorities concerned. The petitioners, therefore, moved this Court by way of present writ petition.

This Court in ***HYDERABAD POTTERIES PRIVATE LIMITED v. DISTRICT COLLECTOR, HYDERABAD*** categorically held that the Commissioner shall not reject the application of the petitioner solely on the basis of an objection purported to

have been raised by the Joint Collector. The objections, if any raised, will also be taken into consideration with the relevant material on record. The Commissioner shall not reject the application of the petitioner for grant of permission solely on the basis of entries said to have been made in TSLR or not accompanied by any No Objection Certificate from the revenue officials. The said view is also upheld by the Division Bench in W.A.No.1096 of 2001 dated 24-12-2001.

In view of the same, I deem it appropriate to direct the respondents to consider and pass appropriate orders on the application of the petitioners for grant of building permission if the said application is filed in accordance with By-law No.4(2) of the Hyderabad Municipal Corporation Act, 1955, within a period of four weeks from the date of receipt of a copy of this order.

With the directions as above, the writ petition is disposed of.

No costs.

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ELIPE DHARMA RAO,J

Date: 24th August, 2005

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